

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

HOMER THOMAS

PLAINTIFF

V.

Civil Action No. 3:05-cv-651 HTW-LRA

UNITED STATES OF AMERICA

DEFENDANT

and

UNITED STATES OF AMERICA

THIRD-PARTY PLAINTIFF

V.

LISA THOMAS

THIRD-PARTY DEFENDANT

ORDER OF DISMISSAL

Before the court once again is third-party defendant Lisa Thomas' motion to dismiss. Defendant/third-party plaintiff, United States of America, now joins in this motion and asserts that the plaintiff Homer Thomas has failed to respond to discovery requests and has not responded to the court's orders in a timely fashion. On July 20, 2006, Magistrate Judge Sumner entered an order granting plaintiff's prior counsel leave to withdraw, and further granting plaintiff thirty (30) days in which to secure new counsel or notify the court if he desired to proceed pro se. The plaintiff did not respond as directed and this court, on February 14, 2007, directed the plaintiff to designate counsel within fifteen (15) days from the entry of the court's Order, or the motion to dismiss would be granted.

Inasmuch as the plaintiff still has not responded and has not designated counsel as previously directed, this court finds the motion of the third-party defendant Lisa Thomas to dismiss [**Docket No. 25**], which is joined in by the defendant/third-party plaintiff United States of America, to be well taken and the same is granted.

SO ORDERED, this the 8th day of March, 2007.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE

Civil Action No. 3:05-cv-00651-HTW-LRA
Order of Dismissal